

SECTION 110 MISCELLANEOUS PROVISIONS

110.1-COMMON CARRIER RATES:

The common carrier rates and taxes which are current on the date of opening the bids shall be considered as applicable to all items subject to transportation charges thereunder.

If such rates or taxes are thereafter increased by public authority on any materials entering into and forming a part of the Contract, an amount equal to the sum of all such increases, when evidenced by receipted common carrier bills, will be paid to the Contractor by the Division. All claims for such payments shall be made within 60 days after final acceptance of the work.

If such rates or taxes are thereafter reduced by public authority on any materials entering into and forming a part of the Contract, an amount equal to the sum of all such decreases, when evidenced by receipted common carrier bills, will be deducted by the Division from the monies due the Contractor on the work performed under the Contract.

When deliveries of materials are performed by means other than common carriers, an increase or decrease in price will not be allowed or charged for changes in rates or methods of delivery.

110.2-MINIMUM WAGE DETERMINATIONS:

When the Proposal contains both U.S. Department of Labor and West Virginia Division of Labor Wage Rates, the minimum wage rates for the Contract shall be the higher of the rates for each job classification.

110.3-NONDISCRIMINATION OF EMPLOYEES (GOVERNOR'S EXECUTIVE ORDER):

During the performance of this Contract for public work or for goods or services, the Contractor agrees as follows:

The Contractor and subcontractors shall provide equal employment opportunity for all qualified persons and shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

Contractors and subcontractors are required to give written notice to any labor union with which they have a collective bargaining or other agreement, that they have complied with the requirements of the Executive Orders by the Governor of the State of West Virginia, dated October 16, 1963, and December 15, 1965. These provisions shall be fully and effectively enforced and any breach of them will be regarded as a material breach of the Contract.

110.4-PROVISIONS FOR WEST VIRGINIA STATE FUNDS CONTRACTS:

110.4.1

110.4.1-Applications: These contract provisions shall apply to all work performed on the Contract by the Contractor with their own organization and with the assistance of employees under their immediate superintendence and to all work performed on the Contract by piece work, station work, or by subcontract.

110.4.2-Employment Lists, Labor Selection: A local public employment agency will be designated by the State to prepare the employment lists for the project. At, or prior to contract award, the Contractor will be advised of the exact designation and location of the agency selected for this purpose, and the name and location of such agency will be inserted in the Contract.

All qualified unskilled labor shall be employed as far as possible from lists furnished to the Contractor by the employment agency designated in the Contract. The Contractor may avail themselves of the services of the employment agency for obtaining labor of the intermediate and skilled grade.

In the performance of this Contract, the Contractor shall not discriminate against any worker because of race, creed, color, or national origin.

110.4.3-Payrolls: Submission by the Contractor, or subcontractor, of payrolls, or copies thereof, is not required. Each Contractor, or subcontractor, shall preserve their weekly payroll records for a period of three years from the date of completion of this Contract. The payroll records shall set out accurately and completely the project number, name, classification, hourly wage rate of each employee, hours worked by each employee daily and weekly wages earned by each employee, and deductions made from such weekly wages, and the actual weekly wages paid to each employee. Such payroll records shall be made available at all times for inspection by authorized representatives of the Division.

110.4.4-Payment of Predetermined Minimum Wages: These contract provisions are supplemented elsewhere in the Contract by Special Provisions which set forth the certain predetermined minimum wage rates. The Contractor shall pay not less than these rates.

The wages of all labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be readily cashed by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the Contractor shall make all necessary arrangements for the checks to be cashed and shall give information regarding such arrangements.

The minimum wages specified shall be exclusive of any charges for medical examination, medical fees, or insurance, except as specifically required by State Law. No individual employed on the project in other than an administrative position shall be paid less than the minimum rate for unskilled labor.